Major Industrial
Permit No.: MT0000205
Issued: September 29, 2006

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

COPY

AUTHORIZATION TO DISCHARGE UNDER THE
MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated (MCA) and the Federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. § 1251 *et seq.*,

Bonner Property Development

is authorized to discharge from the **Bonner Mill Site**

located at **9360 Highway 200 East, Bonner, Missoula County, MT**

to receiving waters named the **Blackfoot River**

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the permit. The wasteload allocation specified herein support and serve to define the total maximum daily load for affected receiving water.

This permit shall become effective: **December 1, 2006**

This permit and the authorization to discharge shall expire at midnight, **November 30, 2011.**

FOR THE MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Jenny Chambers, Chief
Water Protection Bureau
Permitting & Compliance Division

Modification Date: January 9, 2012

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I. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS & OTHER CONDITIONS

A. Description of Discharge Points and Mixing Zones

The authorization to discharge provided under this permit is limited to those outfalls specially designated below as discharge locations. Discharges at any location not authorized under an MPDES permit is a violation of the Montana Water Quality Act and could subject the person(s) responsible for such discharge to penalties under the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from first learning of an unauthorized discharge could subject such person to criminal penalties as provided under Section 75-5-632 of the Montana Water Quality Act.

Outfall	Description
001A	**Location**: At the end of the pipe discharging into the Blackfoot River located at 46°53'35" N latitude, 113°51'57" W longitude. **Mixing Zone**: The maximum extent of the chronic mixing zone in the named receiving waters is as follows 100 feet downstream for temperature, only. There is no acute mixing zone granted. **Treatment Works**: Cooling/settling pond.
003	**Location:** At the end of the pipe/ditch, discharging into the Blackfoot River located at 46°52'28" N latitude, 113°52'14" W longitude. **Mixing Zone**: The maximum extent of the chronic mixing zone in the named receiving waters is as follows 100 feet downstream. There is no acute mixing zone granted. **Treatment Works**: Activated sludge package plant, design flow is 0.025 mgd.

B. Effluent Limitations

Outfall 001A

Beginning on the effective date of this permit and lasting through the term of the permit, the quality of effluent discharged by the facility shall, as a minimum, meet the limitations as set forth below:

Final Effluent Limitations: OUTFALL 001A			
Parameter	Units	Average Monthly Limit [1]	Maximum Daily Limit [1]
Flow	mgd	0.90	NA [2]
Total Suspended Solids (TSS)	mg/L	30	45
Oil and Grease (O&G)	mg/L	NA	10
Temperature	°F	NA	115
Footnotes: 1. See Definition section at end of permit for explanation of terms. 2. Maximum Daily Flow to be reported on DMR.			

There shall be no discharge of process wastewater.

Effluent pH shall remain between 6.0 and 9.0 standard units. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

There shall be no discharge which causes visible oil sheen in the receiving stream.

There shall be no acute toxicity in the effluent discharged by the facility.

Outfall 003

Interim Effluent Limitations

Beginning on the effective date of this permit and lasting until midnight October 31, 2011 the quality of effluent discharged by the facility at Outfall 003 shall, as a minimum, meet the limitations as set forth below:

Interim Effluent Limitations: OUTFALL 003				
Parameter	Units	Average Monthly Limit [1]	Average Weekly Limit [1]	Maximum Daily Limit [1]
Carbonaceous Biological Oxygen Demand ($cBOD_5$)	mg/L	25	40	NA
	lb/day	5.2	8.3	NA
Total Suspended Solids (TSS)	mg/L	30	45	NA
	lb/day	6.25	9.4	NA
Escherichia coli Bacteria, summer [2, 3]	cfu/100 mL	126	NA	252
Escherichia coli Bacteria, winter [3, 4]	cfu/100 mL	630	NA	1260
Total Residual Chlorine (TRC)	mg/L	NA	NA	0.50
Oil and Grease (O&G)	mg/L	NA	NA	10

Footnotes:
1. See Definition section at end of permit for explanation of terms.
2. This limitation applies from April 1 through October 31.
3. Report Geometric Mean if more than one sample is collected in the reporting period.
4. This limitation applies from November 1 through March 31.

There shall be no discharge of process wastewater.

Effluent pH shall remain between 6.0 and 9.0 standard units. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

There shall be no discharge which causes visible oil sheen in the receiving stream.

Final Effluent Limitations

Beginning on November 1, 2011, and lasting through the term of the permit, the quality of effluent discharged by the facility at Outfall 003 shall, as a minimum, meet the limitations as set forth below:

Final Effluent Limitations: OUTFALL 003				
Parameter	Units	Average Monthly Limit [1]	Average Weekly Limit [1]	Maximum Daily Limit [1]
Carbonaceous Biological Oxygen Demand (cBOD)	mg/L	25	40	NA
	lb/day	5.2	8.3	NA
Total Suspended Solids (TSS)	mg/L	30	45	NA
	lb/day	6.25	9.4	NA
Escherichia coli Bacteria, summer [2, 3]	cfu/100 mL	126	NA	252
Escherichia coli Bacteria, winter [3, 4]	cfu/100 mL	630	NA	1260
Total Residual Chlorine (TRC)	mg/L	NA	NA	0.019
Oil and Grease (O&G)	mg/L	NA	NA	10

Footnotes:
1. See Definition section at end of permit for explanation of terms.
2. This limitation applies from April 1 through October 31.
3. Report Geometric Mean if more than one sample is collected in the reporting period.
4. This limitation applies from November 1 through March 31.

There shall be no discharge of process wastewater.

Effluent pH shall remain between 6.0 and 9.0 standard units. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

There shall be no discharge which causes visible oil sheen in the receiving stream.

C. Monitoring Requirements

Outfall 001A

As a minimum, upon the effective date of this permit, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report Form (EPA No. 3320-1) that no discharge or overflow occurred.

OUTFALL 001A Monitoring Requirements

Parameter	Unit	Sample Location	Sample Frequency	Sample Type [1]
Flow	mgd	Effluent	Continuous	[2]
Total Suspended Solids	mg/L	Effluent	1/Month	Grab
pH	s.u.	Effluent	Daily	Instantaneous
Temperature	°F	Effluent	Daily	Instantaneous
Total Ammonia as N	mg/L	Effluent	1/Month	Grab
Nitrate + Nitrite as N	mg/L	Effluent	1/Month	Grab
Total Kjeldahl Nitrogen	mg/L	Effluent	1/Month	Grab
Total Nitrogen [3]	mg/L	Effluent	1/Month	Grab
	lbs/day	Effluent	1/Month	Grab
Total Phosphorus as P	mg/L	Effluent	1/Month	Grab
	lbs/day	Effluent	1/Month	Grab
Total Dissolved Solids (TDS)	mg/L	Effluent	1/Month	Grab
Oil and Grease [4]	mg/L	Effluent	1/Month	Grab
Dissolved Oxygen	mg/L	Effluent	1/Month	Grab
Whole Effluent Toxicity, Acute [5]	% Effluent	Effluent	1/Quarter	Composite

Footnotes:
1. See Definition section at end of permit for explanation of terms.
2. Requires recording device or totalizer; permittee shall report daily maximum and daily average flow on DMR.
3. Calculated as the sum of Nitrate + Nitrite (as N) and Total Kjeldahl Nitrogen (as N) concentrations
4. Use EPA Method 1664, Revision A: N-Hexane Extractable Material (HEM), or equivalent.
5. .See narrative discussion in permit Part I.C..

Outfall 003

As a minimum, upon the effective date of this permit, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge.

OUTFALL 003 Monitoring Requirements				
Parameter	Unit	Sample Location	Sample Frequency	Sample Type [1]
Flow	mgd	Effluent	Continuous	[2]
Carbonaceous Biological Oxygen Demand ($cBOD_5$)	mg/L	Effluent	1/Week	Composite
	lb/day	Effluent	1/Month	Calculated
Total Suspended Solids (TSS)	mg/L	Effluent	1/Week	Composite
	lb/day	Effluent	1/Month	Calculated
pH	s.u.	Effluent	Daily	Instantaneous
Temperature	°F	Effluent	Daily	Instantaneous
Escherichia coli Bacteria	cfu/100 mL	Effluent	1/Week	Grab
Total Residual Chlorine [3]	mg/L	Effluent	Daily	Grab
Oil and Grease [4]	mg/L	Effluent	1/Month	Grab
Total Ammonia as N	mg/L	Effluent	1/Month	Composite
Nitrate + Nitrite as N	mg/L	Effluent	1/Month	Composite
Total Kjeldahl Nitrogen	mg/L	Effluent	1/Month	Composite
Total Nitrogen [5]	mg/L	NA	1/Month	Calculated
	lb/day	NA	1/Month	Calculated
Total Phosphorus as P	mg/L	Effluent	1/Month	Composite
	lb/day	NA	1/Month	Calculated
Total Dissolved Solids (TDS)	mg/L	Effluent	1/Month	Composite
Dissolved Oxygen	mg/L	Effluent	1/Week	Grab

Footnotes:

1. 1. See Definition section at end of permit for explanation of terms.
2. Requires recording device or totalizer; permittee shall report daily maximum and daily average flow on DMR.
3. The Permittee is only required to sample for total residual chlorine if chlorine is used as a disinfectant in the treatment process. If chlorine is *not* used, write "NA" on the DMR for this parameter.
4. Use EPA Method 1664, Revision A: N-Hexane Extractable Material (HEM), or equivalent.
5. Calculated as the sum of Nitrate + Nitrite (as N) and Total Kjeldahl Nitrogen (as N) concentrations.

Whole Effluent Toxicity Testing

1. Acute Toxicity Testing:

Starting in the first calendar quarter following the effective date of the permit, the permittee shall, at least once each quarter conduct an acute static replacement toxicity test on a composite/grab sample of the effluent. Testing will employ two species per quarter and will consist of 5 effluent concentrations (100, 50, 25, 12.5, 6.25 percent effluent) and a control. Dilution water and the control shall consist of the receiving water. Samples shall be collected on a two day progression; i.e., if the first quarterly sample is on a Monday, the second quarter sample shall be on a Wednesday, etc. Saturdays, Sundays and Holidays will be skipped in the progression.

The static toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of Methods for Measuring the Acute Toxicity of Effluent to Freshwater and Marine Organisms, EPA-600/4-90/027 and the "Region VIII EPA NPDES Acute Test Conditions-State Renewal Whole Effluent Toxicity". The permittee shall conduct an acute 48-hour static renewal toxicity test using *Ceriodaphnia sp.* and an acute 96-hour static renewal toxicity test using fathead minnows (*Pimephales promelas*) as the alternating species. The control of pH in the toxicity test utilizing CO2 enriched atmospheres is allowed to prevent rising pH drift. The target pH selected must represent the pH value of the receiving water at the time of sample collection.

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test is considered invalid and shall be repeated until satisfactory control survival is achieved, unless a specific individual exception is granted by the Department. This exception may be granted if less than 10 percent mortality was observed at the dilutions containing high effluent concentrations.

If acute toxicity occurs in a routine test, an additional test shall be conducted within 14 days of the date of the initial sample. Should acute toxicity occur in the second test, testing shall occur once a month until further notified by the Department. In all cases, the results of all toxicity tests must be submitted to the Department in accordance with Part II of this permit.

The quarterly results from the laboratory shall be reported along with the Discharge Monitoring Report (DMR) form submitted for the end of the reporting calendar quarter (e.g., whole effluent results for the reporting quarter ending March 31 shall be reported with the March DMR due April 28th with the remaining quarterly reports submitted with the June, September, and December DMR's). The format for the laboratory report shall be consistent with the latest revision of Region VIII Guidance for Acute Whole Effluent Reporting, and shall include all chemical and physical data as specified.

If the results for four consecutive quarters of testing indicate no acute toxicity, the permittee may request a reduction to quarterly acute toxicity testing on only one species on an alternating basis. The Department may approve or deny the request based on the results and other available information without an additional public notice. If the request is approved, the test procedures are to be the same as specified above for the test species.

2. Toxicity Reduction Evaluation / Toxicity Identification Evaluation:

Should acute toxicity be detected in the required resample, a TIE-TRE shall be undertaken by the permittee to establish the cause of the toxicity, locate the source(s) of the toxicity, and develop control or treatment for the toxicity. Failure to initiate or conduct an adequate TIE-TRE, or delays in the conduct of such tests, shall not be considered a justification for noncompliance with the whole effluent toxicity limits contained in Part I.B of this permit. A TRE plan shall be submitted to the Department within 45 days after confirmation of the continuance of effluent toxicity (resample).

D. Special Conditions

1. Supplemental Monitoring:

Internal Discharges to the Cooling/Settling Pond (Outfalls 001B, 001S, and 001P) Monitoring Plan

Monitoring of the effluent discharged from the internal sources to the cooling/settling pond shall be conducted prior to mixing with the cooling pond in accordance with 40 CFR 136 approved methods and shall be reflective of the nature and effect of the discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report Form (EPA No. 3320-1) that no discharge or overflow occurred. The internal outfalls are identified as follows:

OUTFALL 001B - combined boiler blowdown, compressor water, and east industrial yard area storm water and runoff continuously flowing into the cooling pond on the south western edge. Sampling shall be conducted at the discharge structure weir.

OUTFALL 001S - central and east industrial areas runoff and storm water intermittently piped from the pumphouse sump to the southwest corner of the cooling pond. Sampling shall be conducted at the discharge point prior to any mixing with the cooling pond, and

OUTFALL 001P - combined plywood building runoff, non-contact cooling water, and plywood building storm water continuously piped into the northwest corner of the cooling pond. Sampling shall be conducted at the discharge point prior to any mixing with the cooling pond.

OUTFALLS 001B, 001S, and 001P Monitoring Requirements[5]			
Parameter	Unit	Sample Frequency	Sample Type[1]
Flow [2]	gpd	Daily	Instantaneous
pH	s.u.	Daily	Instantaneous
Chemical Oxygen Demand (COD)	mg/L	1/Month	Composite
Total Suspended Solids (TSS)	mg/L	1/Month	Composite
Total Ammonia, as N	mg/L	1/Month	Composite
Nitrate + Nitrite, as N	mg/L	1/Month	Composite
Kjeldahl Nitrogen, Total, as N	mg/L	1/Month	Composite
Total Nitrogen, as N [3]	mg/L	1/Month	Calculated
	lb/day	1/Month	Calculated
Total Phosphorus, as P	mg/L	1/Month	Composite
	lb/day	1/Month	Calculated
Petroleum Hydrocarbons [4]	mg/L	1/Month	Grab

Footnotes:
1. See Definition section at end of permit for explanation of terms.
2. Permittee shall report daily maximum and daily average flow on the DMR.
3. Calculated as the sum of Nitrate + Nitrite (as N) and Total Kjeldahl Nitrogen (as N) concentrations.
4. Use EPA Method 418.1, Infrared Spectroscopy.
5. Effective January 1, 2007.

OUTFALLS 001B, 001S, and 001P Monitoring Requirements[8] (Continued)

Parameter	Units	Sample Frequency [1]	Sample Type [2]	ML
Antimony, Total Recoverable [3]	µg/L	2/Year	Composite	1
Arsenic, Total Recoverable [3]	µg/L	2/Year	Composite	1
Beryllium, Total Recoverable [3]	µg/L	2/Year	Composite	1
Cadmium, Total Recoverable [3]	µg/L	2/Year	Composite	0.1
Chromium, Total Recoverable [3]	µg/L	2/Year	Composite	10
Copper, Total Recoverable [3]	µg/L	2/Year	Composite	1
Lead, Total Recoverable [3]	µg/L	2/Year	Composite	1
Mercury, Total Recoverable [3]	µg/L	2/Year	Composite	0.1
Nickel, Total Recoverable [3]	µg/L	2/Year	Composite	10
Selenium, Total Recoverable [3]	µg/L	2/Year	Composite	1
Silver, Total Recoverable [3]	µg/L	2/Year	Composite	1
Thallium, Total Recoverable [3]	µg/L	2/Year	Composite	1
Zinc, Total Recoverable [3]	µg/L	2/Year	Composite	10
Cyanide, Total	µg/L	2/Year	Grab	5
Phenols, Total	µg/L	2/Year	Grab	10
Hardness, Total (as $CaCO_3$)	mg/L	2/Year	Grab	10
Volatile Organic Pollutants [4]	µg/L	2/Year	Composite	[7]
Semi-Volatile, Acid Compounds [5]	µg/L	2/Year	Composite	[7]
Semi-Volatile, Base Neutral [5]	µg/L	2/Year	Composite	[7]
Pesticides & PCB [6]	µg/L	2/Year	Composite	[7]

Footnotes:

1. Two samples per year required to be collected in the first and third calendar quarters of the second and third calendar years of permit only. This information will not be entered on the DMR form; a copy of the analytical laboratory report must be attached to the DMR for the applicable reporting period.
2. See Definition section at end of permit for explanation of terms.
3. Metals shall be analyzed as total recoverable, use EPA Method (Section) 4.1.4 [EPA 600/4-79-020, March 1983] or equivalent.
4. 40 CFR 122, Appendix J, Table 2, use EPA Method 1624 Revision B, or equivalent.
5. 40 CFR 122, Appendix J, Table 2, use EPA Method 1625 Revision B, or equivalent.
6. 40 CFR 122, Appendix J, Table 2, use EPA Method 608, or equivalent.
7. See approved method for minimum level.
8. Effective January 1, 2009.

2. Ground Water Monitoring Plan

Within 180 days of the effective date of the permit, the permittee shall submit a plan and schedule for the assessment of the hydrogeology and water quality in the immediate area of the SLC – Bonner Mill site to the Department for review and approval. The plan shall include, but is not limited to, the following:

a. Identification of the potential sources of ground water pollutants on the site that may reasonably be expected to discharge to ground water. Based on this analysis, identify the location, design, and development of monitoring wells to delineate the spatial and temporal variability in ground water at, and downgradient of these potential sources.

b. Monitoring wells shall be located on land owned or controlled by the permittee. The permittee shall demonstrate access to the proposed monitoring well locations for the life of the facility. All ground water wells are to be located to allow sampling to be conducted year round and shall be approved by the Department prior to installation.

c. The plan shall identify an upgradient well to be installed in the same hydrogeologic unit as, but outside of influence of impacted groundwater. If an upgradient well cannot be established in the same hydrogeologic unit the permittee shall identify a suitable alternative upgradient well or reference well.

d. Upon completion, well logs for the newly constructed wells will be submitted to the Department.

e. Assessment of the hydrogeology and water quality in the immediate area of the SLC – Bonner Mill site. This assessment shall include, but is not limited to, the following:
   i) A physical hydrogeologic characterization of the aquifer beneath the SLC-Bonner Mill site.
   ii) A description of the lithology, Hydraulic Conductivity (K), Transmissivity (T), Storativity (S), and the thickness and extent of the shallowest aquifer.

f. Provide the results of water quality testing from the initial sampling and analysis of each of the upgradient and monitoring wells for the following parameters:

   i) Conventional field parameters: static water level, dissolved oxygen (DO), oxidation/reduction potential (ORP), pH, and specific conductance;
   ii) Formaldehyde, cresol, iron, and manganese (dissolved and total recoverable); and
   iii) Any additional parameters listed in the Supplemental Monitoring tables in Part I.D.1 of this permit based on the evaluation of the potential sources contamination.

j. Provide a routine ground water monitoring plan to be in effect for the duration of this permit cycle. The plan shall include, but not limited to:

i) Objectives (including QA/QC),
ii) Sampling locations and frequencies,
iii) Sampling supplies and equipment, and
iv) Submittal of annual reports.

k. Sampling methods. Sampling of ground water monitoring wells shall be conducted in accordance with proper procedures and protocols as set forth in RCRS Technical Enforcement Guidance document (1986).

i) Analytical parameters and methods to be delineated by the results of the initial sampling event for each monitoring well.
ii) Shipping and handling arrangements.
iii) Reporting shall include the ground water depth, water quality analytical results, potentiometric maps, and groundwater flow directions for the sampling event.

If the Department requires substantial modifications to the plan and schedule, a revised plan shall be submitted to the Department within 60 days of permittee receipt of Department comments. The permittee shall implement the ground water monitoring plan as approved by the Department beginning in calendar year 2008.

3. Storm Water Management:

a. Storm Water Discharges

The permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The purpose of the SWPPP is to identify sources of pollution to storm water and to select Best Management Practices (BMPs) to eliminate or minimize pollutant discharges at the source and/or to remove pollutants contained in storm water runoff. The permittee must implement the provisions of the SWPPP required under this part as a condition of this permit.

All SWPPPs pertaining to commingled or other storm water discharges covered under this permit must comply with the following requirements:

1) General SWPPP Requirements

a) The SWPPP and associated documentation, as well as BMPs developed and implemented, must be accomplished using good standard engineering practices.

b) The SWPPP must be retained onsite at the facility that generates the storm water discharge. Provided no permanent offices/buildings are located at the facility site, a copy of these documents shall be retained at the office of the contact person identified in the permit

application and at the office of the primary individual responsible for the implementation of the SWPPP, and shall be brought to the site at all times with these identified personnel. Should the identity of these responsible contacts/individuals change during the permit period, the permittee shall ensure measures are in place to transfer, and familiarize replacement personnel with the requirements pertaining to the SWPPP.

c) The SWPPP must be signed in accordance with the signatory requirements stated in Part IV.G of this permit.

d) The SWPPP must be made available upon request of Department staff, such as during inspections.

e) The Department may notify the permittee that the SWPPP does not meet one or more of the minimum requirements of this permit. After such notification from the Department, the permittee shall make changes to the SWPPP and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise stated by the Department, the permittee shall have 30 days after such notification to make the required changes. When the Department makes such notification, the permittee shall provide the Department with a copy of revisions to the SWPPP.

f) The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance that has significant effect on the potential for the discharge of pollutants to surface waters, or if the SWPPP proves to be ineffective in achieving the general objective of controlling pollutants in a storm water discharge covered under this permit. When such revisions are made to the SWPPP based upon this permit condition, the permittee shall provide the Department with a copy of revisions to the SWPPP.

g) The SWPPP must identify the name of receiving surface waters. If there is a distinguishable point source discharge or outfall, the SWPPP must include a description of the size, type, and location of each point source discharge or outfall. A description of storm water runoff flow and drainage patterns into the receiving surface waters must be provided. If the discharge is to a municipal separate storm sewer, the location of any storm sewer discharge into the receiving surface waters must be provided.

h) The SWPPP must identify a specific person or persons at the facility who are responsible for SWPPP development, implementation, maintenance, and revision. The SWPPP must clearly identify the responsibilities of each person. The activities

and responsibilities of the person(s) must address all aspects of the SWPPP.

i) The SWPPP must identify facility personnel training programs used to inform personnel responsible for implementing activities identified in the SWPPP or otherwise responsible for storm water management of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping, and material management practices. A schedule must identify the frequency for such training.

j) The SWPPP must address preventative maintenance measures which include the inspection and maintenance of storm water management BMPs. Qualified personnel shall be identified in the SWPPP to inspect the facility site and storm water management BMPs following each significant storm water rainfall event resulting in 0.5 inches of precipitation or more, or after significant snowmelt events. Inspections must be documented and maintained with the SWPPP. Inspections and their respective records must include tracking or follow-up procedures to ensure adequate response and corrective actions have been taken based on any problems or deficiencies observed during the inspection.

k) The SWPPP must address good housekeeping measures to help maintain a clean, orderly, facility. Measures could include a routine schedule for the managing/removal of waste materials, as well as routine inspections of potential problem areas.

l) The SWPPP must include a General Location Map (such as a USGS topographic quadrangle map), extending one mile beyond the property boundaries of the facility, with enough detail to identify the location of the facility, any storm water discharges, and the receiving surface waters. The facility site must be clearly delineated on this map. The permittee may use the topographic map submitted with the application provided it indicates this information with respect to storm water discharges.

2) Identification of Potential Pollutant Sources

The SWPPP must provide a description of potential pollutant sources which may reasonably be expected to affect the quality of storm water discharges. The SWPPP must identify all significant activities and materials that could potentially be significant pollutant sources. To accomplish this, the SWPPP must include, at a minimum:

a) For each area of the facility with storm water discharges from regulated activities that have a reasonable potential to contain

significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants and parameters of concern that are likely to affect the storm water discharge. Factors to consider include the toxicity of chemicals; quantity of chemical used, produced or discharged; the likelihood of contact with storm water; the histories of any MPDES permit violations; and the characteristics and uses of the receiving surface waters. In the identification of potential pollutants, and depending on the type of facility, items to identify and assess may include:

(1) Areas and management practices used for the storage, treatment, or disposal of wastes;
(2) Areas where significant spills and leaks of hazardous substances may have occurred;
(3) Areas and management practices used for the loading or unloading of dry bulk materials and liquids;
(4) Areas and management practices used for the outdoor storage of materials and/or products;
(5) Areas and management practices used for outdoor manufacturing or processing activities;
(6) Areas and management practices used for vehicle fueling, washing, and maintenance;
(7) Dust or particulate-generating processes;
(8) Illicit connections and/or management practices;
(9) Areas more susceptible to erosion; and,
(10) Areas with unstabilized sediment due to ground disturbance activities.

The permittee must evaluate these potential pollutant sources back at least three years prior to the date permit coverage is applied for the respective storm water discharge.

b) A summary of existing storm water quality sampling test results which characterize historical pollutants in storm water discharges.

c) Estimate and define area(s) of relatively impervious surfaces (including paved areas and facility structural roofs) with respect to the total area drained by each point source discharge of storm water.

d) An evaluation of how the quality of any potential storm water running onto the facility site would impact the facility's storm water discharge.

3) Storm Water Management Best Management Practices

a) SWPPPs must include a description of storm water management Best Management Practices (BMPs) appropriate for the facility,

including those used to divert, infiltrate, reuse, or otherwise manage storm water runoff that reduces pollutants in storm water discharges from the site. The appropriateness and priorities of BMPs in a SWPPP shall reflect the identified potential sources of pollutants to storm water at the facility in Part A.2.

b) Reasonable and appropriate BMPs may include: reuse of collected storm water (such as for process water or as an irrigation source); inlet controls (such as oil/water separators); snow management activities; infiltration devices, detention/retention devices (including constructed wetlands); run-on/runoff controls; diversion structures; flow attenuation by use of open vegetated swales, natural depressions, and other practices; and, ponds. Where practicable, industrial materials and activities could be protected by a storm resistant shelter to prevent exposure to rain or snow.

c) The location and description of any treatment to remove pollutants that storm water receives.

d) The SWPPP must provide a description of measures to ensure the ongoing implementation and maintenance of BMPs. Inspections and maintenance activities, such as cleaning oil and grit separators or catch basins, must be documented and recorded. Incidents such as spills, leaks, other releases of potential pollutants, and/or other material/waste management problems, must also be documented and recorded.

e) The SWPPP must address Spill Prevention and Response Measures as follows:

(1) Areas where potential spills may occur that could contribute pollutants to storm water discharges, and their accompanying drainage points, must be identified clearly in the SWPPP.
(2) Where appropriate, specific material-handling procedures, storage requirements, and use of equipment, such as diversion valves, should be considered in the SWPPP.
(3) Procedures and necessary equipment for cleaning up spills must be identified in the SWPPP and made available to the appropriate personnel.
(4) Emergency spill/response contact and/or notification numbers must be listed in the SWPPP.
(5) SWPPP records of spills must be updated when a significant spill or leak of hazardous substances occurs and must include a description of the specific origin and location of the release, a description of the materials released, an estimate of the quantity of the release, and a description of any remediation or cleanup measures which were taken.

f) The SWPPP must address Sediment and Erosion Control BMPs as follows:

(1) The SWPPP must describe sediment and erosion control BMPs including various structural, vegetative, and/or stabilization measures.
(2) The SWPPP must allow for BMPs to be implemented as necessary.
(3) The SWPPP must address areas which have a higher potential for erosion due to topography, slope characteristics, facility activities, and/or other factors.
(4) An assessment of the nature of any fill material to be used, the existing soils located at the site, and the erodibility (high, moderate, or slight) of such soils must be provided in the SWPPP.
(5) Storm water discharges associated with construction activity at the facility site may be included under this permit provided the SWPPP is developed or revised to address these discharges as follows:

- The SWPPP must identify and locate the BMPs to be used during and after the construction project to control sediment discharges to surface waters;
- Final stabilization of disturbed areas must be ensured;
- This Sediment and Erosion Control section of the SWPPP must be updated with a SWPPP modification to reflect new construction activity as necessary; and,
- The SWPPP modification must be submitted to the Department prior to the start of construction.

Provided these items are addressed, coverage for storm water discharges associated with construction activity under this permit would commence on the date stated in the SWPPP or when construction starts.

(6) The SWPPP may include the use of BMPs such as sediment basins, detention/retention structures, berms, barriers, filter strips, covers, diversion structures, sediment control fences, straw bale dikes, seeding, sodding, and/or other control structures. Any SWPPP elements that require engineered structures, such as detention ponds or diversion structures, must be prepared by a qualified individual using good standard engineering practices.

4) SWPPP Site Map or Plan

The SWPPP must include a site map or plan which indicates the following:

a) An identification of each point source discharge of storm water with a delineated outline of the respective drainage area;

b) Identify each regulated point source sample location with the DMR formal numeric identifier on the SWPPP site map;

c) Delineated drainage patterns which clearly indicate the storm water runoff flow patterns (such as using arrows or detailed topographic contours to show which direction storm water will flow);

d) The "areas" identified in Part A.2.a. and c, above;

e) The "BMPs" identified in Part A.3, above.;

f) Major permanent facility structures;

g) Each well where liquids associated with the facility are injected underground including any storm water conveyances;

h) Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility as discussed in Part A.2.d, above;

i) Location of all surface waters on or near to the construction activity site (including perennial and intermittent waterbodies, ephemeral streams, springs, wetlands with standing water, etc.);

j) A map scale;

k) A north arrow; and,

l) For construction activities disturbing five acres or more, the permittee must obtain permit coverage under the appropriate storm water permit for activities related to construction.

5) Comprehensive Site Inspection and Compliance Evaluation Report

a) For storm water discharges that are associated with this industrial facility, a Comprehensive Site Inspection must be performed annually to identify areas contributing to the regulated storm water discharge and to evaluate whether BMPs to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of this permit.

b) A Comprehensive Site Inspection must assess the following:

(1) Whether the description of potential pollutant sources is accurate as required under Part A.2. of this permit;
(2) Whether the site map has been updated or otherwise modified to reflect current conditions;
(3) Whether the BMPs to control potential pollutants in storm water discharges as identified in the SWPPP and Part A.3. are being effectively implemented; and,
(4) Whether any SWPPP revisions such as additional BMPs are necessary.

c) Based on the results of the Comprehensive Site Inspection, the description of potential pollutant sources and BMPs identified in the SWPPP must be revised as appropriate within 14 days of such inspection and must provide for implementation of the changes to the SWPPP in a timely manner.

d) A Compliance Evaluation Report must be submitted to the Department addressing the Comprehensive Site Inspection performed during each calendar year.

(1) The report must identify personnel making the inspection and the date(s) of the inspection.
(2) The report must summarize observations made based on the items stated in Part A.5.b.
(3) The report must summarize actions taken in accordance with Part A.5.c.
(4) The report must be retained with the SWPPP.
(5) The permittee shall submit a copy of the report to the Department by January 28th of each year for the preceding calendar year's inspection.
(6) The report must identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report must contain a certification that the facility is in compliance with the SWPPP and this permit.
(7) The report must be signed in accordance with the signatory requirements stated in Part IV.G. of this permit.

e) A tracking or follow-up procedure, including a schedule for implementation, must be used and identified in the Report which ensures adequate response and corrective actions have been taken in response to the Comprehensive Site Inspection and/or non-compliances.

f) Records of the Comprehensive Site Inspection, the Compliance Evaluation Report, and any related follow-up actions must be maintained by the permittee.

E. Compliance Schedules

1. Lining the cooling/settling pond at OUTFALL 001A.

a. Initiate an evaluation of the cooling/settling pond to address lining the pond to eliminate communication with the Blackfoot River and/or the ground water in the area.

b. Submit a plan and schedule for Department review and approval by December 31, 2008.

c. Beginning in calendar year 2009, submit quarterly progress reports to the Water Protection Bureau describing the activities undertaken by the permittee to fulfill the requirement of this part.

d. Complete any actions by December 31, 2009.

2. Installing flow-measuring devices at OUTFALLS 001S and 001P.

Within 180 days of the effective date of this permit, the permittee shall install flow-measuring capabilities for the following:

a. A means for continuous monitoring of the discharge flow from Outfall 001A to within 10% accuracy of the actual flow being monitored.

b. Flow measurement devices for instantaneous, daily monitoring at Outfalls 001S and 001P. These devices must measure flow to within 10% accuracy of the actual flow being monitored.

3. Compliance with the Total Residual Chlorine (TRC) limitation for OUTFALL 003.

a. Initiate an evaluation of the chlorination processes in use to meet the fecal coliform bacteria limitations and assess if dechlorination is necessary to comply with the final TRC limitation.

b. Submit preliminary plans and schedules to the Department by June 30, 2007.

c. Submit an initial progress report to the Water Protection Bureau by December 31, 2007. Progress reports are to be submitted to the Water Protection Bureau annually thereafter. The reports should include, but are not limited to, descriptions of the activities undertaken by the permittee.

d. Complete any actions by October 31, 2011.

4. **Development of a ground water monitoring plan for the SLC – Bonner Mill site.**

   a. Within 180 days of the effective date of the permit, the permittee shall submit a plan and schedule for the assessment of the hydrogeology and water quality and a monitoring well development plan to the Department for review and approval (see Part I.D.2. of this permit).

   b. The permittee shall implement the ground water monitoring plan January 1, 2008.

   c. The permittee shall submit annual reports to the Department providing the results of the ground water monitoring in accordance with Parts II and III of the permit.

5. **Development and implementation of the facility Storm Water Pollution Prevention Plan.**

   Within 90 days of issuance of the permit, the permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with Part I.D.3. Storm Water Management of this permit.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling

Samples taken in compliance with the monitoring requirements established under Part I of the permit shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

B. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under Part 136, Title 40 of the Code of Federal Regulations, unless other test procedures have been specified in this permit. All flow-measuring and flow-recording devices used in obtaining data submitted in self-monitoring reports must indicate values within 10 percent of the actual flow being measured.

C. Penalties for Tampering

The Montana Water Quality Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

D. Reporting of Monitoring Results

Self-Monitoring results will be reported monthly. Monitoring results obtained during the previous reporting period shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. Whole effluent toxicity (biomonitoring) results must be reported on forms from the most recent version of EPA Region VIII's "Guidance for Whole Effluent Reporting" with copies of the laboratory analysis report. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the "Signatory Requirements" (see Part IV.G of this permit), and submitted to the Department and the Regional Administrator at the following addresses:

(a) Montana Department of Environmental Quality
Water Protection Bureau
PO Box 200901
Helena, Montana 59620-0901
Phone: (406) 444-3080

(b) U.S. Environmental Protection Agency
10 West 15th Street, Suite 3200
Helena, Montana 59626
Phone: (406) 441-1123

E. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using approved analytical methods as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

G. Records Contents

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;

2. The initials or name(s) of the individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;

4. The time analyses were initiated;

5. The initials or name(s) of individual(s) who performed the analyses;

6. References and written procedures, when available, for the analytical techniques or methods used; and

7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

H. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this MPDES permit must be maintained on site during the duration of activity at the permitted location.

I. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any serious incidents of noncompliance as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Protection Bureau at (406) 444-3080 or the Office of Disaster and Emergency Services at (406) 841-3911. The following examples are considered serious incidents:

a. Any noncompliance which may seriously endanger health or the environment;

b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G of this permit, "Bypass of Treatment Facilities"); or

c. Any upset which exceeds any effluent limitation in the permit (see Part III.H of this permit, "Upset Conditions").

2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

a. a description of the noncompliance and its cause;

b. the period of noncompliance, including exact dates and times;

c. the estimated time noncompliance is expected to continue if it has not been corrected; and

d. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau, by phone, (406) 444-3080.

4. Reports shall be submitted to the addresses in Part II.D of this permit, "Reporting of Monitoring Results".

J. Other Noncompliance Reporting

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D of this permit are submitted. The reports shall contain the information listed in Part II.I.2 of this permit.

K. Inspection and Entry

The permittee shall allow the head of the Department or the Director, or an authorized representative thereof, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the Department or the Regional Administrator advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance.

B. Penalties for Violations of Permit Conditions

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to civil or criminal penalties not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine of not more than $50,000 per day of violation, or by imprisonment for not more than 2 years, or both, for subsequent convictions. MCA 75-5-611(a) also provides for administrative penalties not to exceed $10,000 for each day of violation and up to a maximum not to exceed $100,000 for any related series of violations. Except as provided in permit conditions on Part III.G of this permit, "Bypass of Treatment Facilities" and Part III.H of this permit, "Upset Conditions", nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

F. Removed Substances

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Any sludges removed from the facility shall be disposed of in accordance with 40 CFR 503, 258 or other applicable rule. EPA and MDEQ shall be notified at least 180 days prior to such disposal taking place.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.G.2 and III.G.3 of this permit.

2. Notice:

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I of this permit, "Twenty-four Hour Reporting".

3. Prohibition of bypass:

   a. Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass, unless:

      (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

      (3) The permittee submitted notices as required under Part III.G.2 of this permit.

   b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part III.G.3.a of this permit.

H. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part III.H.2 of this permit are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e. Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that the permittee can identify the cause(s) of the upset;

   b. The permitted facility was at the time being properly operated;

   c. The permittee submitted notice of the upset as required under Part II.I of this permit, "Twenty-four Hour Notice of Noncompliance Reporting"; and

   d. The permittee complied with any remedial measures required under Part III.D of this permit, "Duty to Mitigate".

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

J. Changes in Discharge of Toxic Substances

Notification shall be provided to the Department as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   a. One hundred micrograms per liter (100 µg/L);

b. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

d. The level established by the Department in accordance with 40 CFR 122.44(f).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. Five hundred micrograms per liter (500 µg/L);

b. One milligram per liter (1 mg/L) for antimony;

c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

d. The level established by the Department in accordance with 40 CFR 122.44(f).

IV. GENERAL REQUIREMENTS

A. Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.

B. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application must be submitted at least 180 days before the expiration date of this permit.

E. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for revoking, modifying and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information with a narrative explanation of the circumstances of the omission or incorrect submittal and why they weren't supplied earlier.

G. Signatory Requirements

All applications, reports or information submitted to the Department or the EPA shall be signed and certified.

1. All permit applications shall be signed as follows:

   a. For a corporation: by a responsible corporate officer;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is considered a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Department; and

b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or an individual occupying a named position.)

3. Changes to authorization. If an authorization under Part IV.G.2 of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.G.2 of this permit must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Penalties for Falsification of Reports

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document

submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more that $25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by the Clean Water Act, permit applications, permits and effluent data shall not be considered confidential.

J. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

K. Property or Water Rights

The issuance of this permit does not convey any property or water rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

L. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. Transfers

This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Department at least 30 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;

3. The Department does not notify the existing permittee and the proposed new permittee of an intent to revoke or modify and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part IV.M.2 of this permit; and

4. Required annual and application fees have been paid.

N. Fees

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, the Department may:

1. Impose an additional assessment consisting of 15% of the fee plus interest on the required fee computed at the rate established under 15-31-510(3), MCA, or

2. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this sub-section. Suspensions are limited to one year, after which the permit will be terminated.

O. Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.

2. Water Quality Standards are Exceeded: If it is found that water quality standards or trigger values in the receiving stream are exceeded either for parameters included in the permit or others, the department may modify the effluent limits or water management plan.

3. TMDL or Wasteload Allocation: TMDL requirements or a wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.

4. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

5. Toxic Pollutants: A toxic standard or prohibition is established under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.

6. Toxicity Limitation: Change in the whole effluent protocol, or any other conditions related to the control of toxicants have taken place, or if one or more of the following events have occurred:

a. Toxicity was detected late in the life of the permit near or past the deadline for compliance.

b. The TRE/TIE results indicated that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion.

c. The TRE/TIE results indicated that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits, and the permit issuing authority agrees that numerical controls are the most appropriate course of action.

d. Following the implementation of numerical controls on toxicants, the permit issuing authority agreed that a modified whole effluent protocol is needed to compensate for those toxicants that are controlled numerically.

e. The TRE/TIE revealed other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

V. DEFINITIONS

1. **"Act"** means the Montana Water Quality Act, Title 75, chapter 5, MCA.

2. **"Administrator"** means the administrator of the United States Environmental Protection Agency.

3. **"Acute Toxicity"** occurs when 50 percent or more mortality is observed for either species (See Part I.C of this permit) at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.

4. **"Arithmetic Mean" or "Arithmetic Average"** for any set of related values means the summation of the individual values divided by the number of individual values.

5. **"Average Monthly Limitation"** means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

6. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.

7. **"Chronic Toxicity"** means when the survival, growth, or reproduction, as applicable, for either test species, at the effluent dilution(s) designated in this permit (see Part I.C.), is significantly less (at the 95 percent confidence level) than that observed for the control specimens.

8. **"Composite samples"** shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

   a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;

   b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

   c. Constant sample volume, time interval between samples proportional to flow (i.e. sample taken every "X" gallons of flow); and,

   d. Continuous collection of sample, with sample collection rate proportional to flow rate.

9. **"Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

10. **"Daily Maximum Limit"** means the maximum allowable discharge of a pollutant during a calendar day. Expressed as units of mass, the daily discharge is cumulative mass discharged over the course of the day. Expressed as a concentration, it is the arithmetic average of all measurements taken that day.

11. **"Department"** means the Montana Department of Environmental Quality (MDEQ). Established by 2-15-3501, MCA.

12. **"Director"** means the Director of the Montana Department of Environmental Quality.

13. **"Discharge"** means the injection, deposit, dumping, spilling, leaking, placing, or failing to remove any pollutant so that it or any constituent thereof may enter into state waters, including ground water.

14. **"EPA"** means the United States Environmental Protection Agency.

15. **"Federal Clean Water Act"** means the federal legislation at 33 USC 1251, *et seq.*

16. **"Grab Sample"** means a sample which is taken from a waste stream on a one-time basis without consideration of flow rate of the effluent or without consideration for time.

17. **"Instantaneous Maximum Limit"** means the maximum allowable concentration of a pollutant determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.

18. **"Instantaneous Measurement"**, for monitoring requirements, means a single reading, observation, or measurement.

19. **"Minimum Level"** (ML) of quantitation means the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration point for the analyte, as determined by the procedure set forth at 40 CFR 136. In most cases the ML is equivalent to the Required Reporting Value (RRV) unless other wise specified in the permit. (ARM 17.30.702(22))

20. **"Mixing zone"** means a limited area of a surface water body or aquifer where initial dilution of a discharge takes place and where certain water quality standards may be exceeded.

21. **"Nondegradation"** means the prevention of a significant change in water quality that lowers the quality of high-quality water for one or more parameters. Also, the prohibition of any increase in discharge that exceeds the limits established under or determined from a permit or approval issued by the Department prior to April 29, 1993.

22. **"Process Wastewater"** means any water, which, during manufacturing or processing, comes into direct contact with, or results from the production of, or use of, any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater is further identified in 40 CFR 429.11 for the timber products industry and specifically does not include: noncontact cooling water, material storage yard runoff (either raw material or processed wood storage), boiler blowdown, and fire control water.

23. **"Regional Administrator"** means the administrator of Region VIII of EPA, which has jurisdiction over federal water pollution control activities in the state of Montana.

24. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

23. **"TIE"** means a toxicity identification evaluation.

24. **"TMDL"** means the total maximum daily load limitation of a parameter, representing the estimated assimilative capacity for a water body before other designated uses are adversely affected. Mathematically, it is the sum of wasteload allocations for point sources, load allocations for non-point and natural background sources, and a margin of safety.

25. **"TRE"** means a toxicity reduction evaluation.

26. **"TSS"** means the pollutant parameter total suspended solids.

27. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.